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PATENT

Customer No. 22,852

Attorney Docket No. 05725.0927-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re National Stage of International
Application No. PCT/FR00/00271 of:

Serge RESTLE et al.

Application No.: 09/890,805

PCT Filed: February 4, 2000

Filed: August 3, 2001

For: DETERGENT COSMETIC
COMPOSITIONS AND USE

) Group Art Unit: 1617

) Examiner: Yu, Gina C.

#8
7/8/03

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Office Action dated March 21, 2003,¹ the Examiner required restriction

between the following groups of claims:

07/09/2003 MPEOPLES 00000001 060916 09890805

01 FC:1251 120.00 DN

Group I: Claims 24, 34-37, 49, 74, and 75, drawn to a composition and
the method of using thereof, which comprises the esters of
claim 24(C)(1);

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¹ The Office Action dated March 21, 2003, specified no period for reply. This Response to Restriction Requirement is thus due six months from the mailing date of the Office Action.

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01 FC:1252

- Group II: Claims 24, 34, 35, 37, 38, 49, 74 and 75, drawn to a composition and method of using thereof, which comprises the esters in claim 24(C)(2);
- Group III: Claims 24, 34, 38, 39, 49, 74 and 75, drawn to a composition and method of using thereof, which comprises the esters in claim 24(C)(3);
- Group IV: Claims 24, 34-36, 40, 49, 74 and 75, drawn to a composition and the method of using thereof, which comprises the esters in claim 24(C)(4);
- Group V: Claims 24, 34, 41-43, 49, 74 and 75, drawn to a composition and the method of using thereof, which comprises the esters in claim 24(C)(5);
- Group VI: Claims 24, 34, 36, 49, 74, and 75, drawn to a composition and the method of using thereof, which comprises the esters in claim 24(C)(6);
- Group VII: Claims 24, 34-36, 44, 49, 74, and 75, drawn to a composition and the method of using thereof, which comprises the esters in claim 24(C)(7);
- Group VIII: Claims 24, 34, 36, 45, 46, 49, 74, and 75, drawn to a composition and the method of using thereof, which comprises the esters in claim 24(C)(8);

Group IX: Claims 24, 34, 36, 47, 49, 74, and 75, drawn to a composition and the method of using thereof, which comprises the esters in claim 24(C)(9); and

Group X: Claims 24, 34, 35, 38, 48, 49, 74, and 75, drawn to a composition and the method of using thereof, which comprises the esters in claim 24(C)(10).

The restriction requirement, as set forth above and on pages 2-4 of the Office Action, is respectfully traversed. However, to be fully responsive to the restriction requirement, Applicants elect with traverse, the subject matter of Group I, claims 24, 34-37, 49, 74, and 75.

Applicants respectfully traverse the restriction requirement for at least the reason that the Office has not shown there to be a serious burden to examine the entirety of the subject matter together. The guidelines for restriction practice are explicitly clear. In order for a restriction requirement to be proper, "[t]here must be a serious burden on the examiner...." M.P.E.P. § 803. Thus, although the Office has argued that the inventions are distinct, this is not a sufficient basis by itself to support a restriction requirement. Applicants respectfully submit that there is no serious burden to continue to examine all the claims together without a restriction requirement.


In view of the foregoing remarks, Applicants respectfully submit that the restriction requirement is in error and request that the requirement be withdrawn.

Please grant any extensions of time required to enter this response and
charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 23, 2003

By: 
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